

**MEMO ENDORSED**



**HABBA MADAIO**  
& Associates LLP

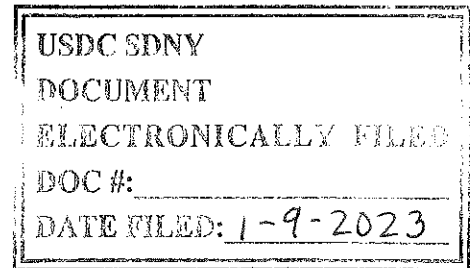
Michael T. Madaio, Esq.  
Partner  
mmadaio@habbalaw.com  
Admitted to practice in NJ, NY & PA

January 9, 2023

**VIA ECF**

The Honorable Lewis A. Kaplan  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
500 Pearl Street  
New York, New York 10007

Re: *E. Jean Carroll v. Donald J. Trump*  
*22 Civ. 10016 (LAK)*



Dear Judge Kaplan:

We are in receipt of the Court's Order filed earlier today (ECF No. 28) regarding the unsealing of portions of Defendant's deposition transcript. While we are aware of the Court's Individual Practices, our office did not file a response within the three-day deadline based on the Court's Order dated December 20, 2022, which stated that the motion to seal was "granted without prejudice any contention by *plaintiff* that sealing of the excerpts from defendant's deposition should not be sealed." *See* ECF No. 17 (emphasis added). We had understood the December 20, 2022 order to place the burden on plaintiff to explain why unsealing of the confidential deposition transcript was necessary; this position was practical, in our view, since the excerpts were filed in connection with a proposed discovery plan and related solely to issues that were uncontested by the parties.

Based on the above, in light of the Court's Order clarifying its position, we respectfully request three days to file a letter opposing the unsealing of Defendant's deposition excerpts.

We thank the Court for its attention to this matter.

Respectfully submitted,

Michael T. Madaio, Esq.  
For HABBA MADAIO & ASSOCIATES LLP

**SO ORDERED**

**LEWIS A. KAPLAN, USDJ**

1430 U.S. Highway 206, Suite 240, Bedminster, NJ 07921 • Tel. 908.869.1188